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7 National Labor Relations Board, Region 31
8 11500 West Olympic Blvd., Suite 600
9 Los Angeles, CA 90064
10 Telephone: (310) 235-7351
11 Fax No. (310) 235-7420

12 Attorneys for Applicant

13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 NATIONAL LABOR RELATIONS)
16 BOARD,)
17)
18 Applicant,) Misc. Case No. MC 15-212-AB
19)
20 v.) AFFIDAVIT OF DANIELLE M.
21) PIERCE IN SUPPORT OF STATUS
22) UPDATE
23 CAR CONSULTANTS, INC.,)
24)
25)
26 Respondent.)
27)
28)

29 I, Danielle M. Pierce, Compliance Officer for Region 31 of the National
30 Labor Relations Board (Board) hereby depose and state as follows:

- 1 1. I have served as the Compliance Officer at the Board's Region 31 (the
2 "Region") office in Los Angeles, California since September 2015.
- 3 2. My duties as Compliance Officer include contacting parties concerning unfair
4 labor practice settlements; ensuring parties' compliance with unfair labor
5 practice settlements; obtaining respondents' compliance with Board Orders
6 and Court Judgments; preparing backpay calculations; issuing Compliance
7 Specifications; and testifying at compliance hearings.
- 8 3. As part of my duties, I am also responsible for sending correspondence
9 regarding the Region's attempts at securing compliance with cases processed
10 by our office, and maintaining copies in the Region's case files.
- 11 4. On May 5, 2016, I instructed Compliance Assistant Roxanne Robinson to send
12 a copy of the attached letter by certified and regular mail to Kami Emein and
13 Shadi Messian regarding the Court's Order granting the NLRB's motion to
14 find Car Consultants, Inc. in civil contempt of court for failing to comply with
15 the Court's Order requiring obedience to the Board's March 24, 2015
16 subpoena *duces tecum*. (Exhibit 1). I later confirmed that Ms. Robinson sent
17 the letter as instructed.
- 18 5. On May 16, 2016, I requested that Supervisory Attorney Helene Lerner send a
19 copy of the attached letter by UPS Overnight Delivery to Kami Emein and
20 Shadi Messian regarding the Court's Order regarding the Board's Statement of
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1 Costs and Expenses. (Exhibit 2). I also hand-delivered a copy of the letter to
2 the carwash on May 17, 2016.

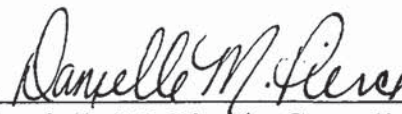
3 6. On or about May 25, 2016, I received a phone call from a Susan Yumen, who
4 said she was calling on behalf of Shadi Messian. Ms. Yumen stated that she
5 wanted to know what Car Consultants, Inc. needed to do to respond to the
6 subpoena *duces tecum*. I explained to her that Car Consultants, Inc. needs to
7 provide all of the requested documents that are in their possession. Ms. Yumen
8 said that many of the documents are not in their possession, for a variety of
9 reasons. I explained that we could arrange a time for the custodian of records
10 to come to the Region's office to answer questions about the remaining
11 documents and about the search that was done to find the documents. Ms.
12 Yumen replied that Ms. Messian only speaks Farsi and I offered to arrange for
13 an interpreter to be present. I provided my available dates and Ms. Yumen said
14 that she would consult with Ms. Messian and get back to me.

15
16 7. On June 7, 2016, I called Ms. Yumen because I had not heard back from her
17 following our phone conversation on May 25, 2016. Ms. Yumen informed me
18 that Ms. Messian no longer wanted Ms. Yumen to speak to me on her behalf
19 regarding this matter. Ms Yumen said that everything would be now handled
20 by Ms. Messian's attorney. Ms. Yumen would not provide me with the name
21 of Ms. Messian's attorney or a phone number to reach Ms. Messian directly.
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1 8. On June 9, 2016, I instructed Compliance Assistant Roxanne Robinson to send
2 a copy of the attached letter by regular mail to Kami Emein and Shadi Messian
3 memorializing my conversations with Ms. Yumen and requesting that Ms.
4 Messian's attorney contact me by June 20, 2016. (Exhibit 3). I later confirmed
5 that Ms. Robinson sent the letter as instructed.
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8 9. To date, the Region has not received any documents from Car Consultants, Inc.
9 as requested by the Board in the March 24, 2015 subpoena *duces tecum* and as
10 required by the Court's July 17, 2015 Order. Further, the Region has not
11 received any further communication from Car Consultants, Inc. regarding any
12 steps it is taking to comply with that Order or that it is unable to comply.
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16 I declare under penalty of perjury under the laws of the United States of America
17 that the foregoing four (4) page statement is true and correct to the best of my
18 knowledge, information and belief.
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22 Danielle M. Pierce, Compliance Officer
23 National Labor Relations Board, Region 31
24 11500 West Olympic Blvd, Suite 600
Los Angeles, CA 90035

25 Dated: this 9th day of June, 2016
26 in Los Angeles, California
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28



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

Agent's Direct Dial: (310)235-7876

May 5, 2016

Sent via Regular Mail and Certified Mail
Certified Mail No. 7003 3110 0003 5538 6661

Kami Emein
Car Consultants, Inc. dba Century Car Wash
4700 West Century Blvd
Inglewood, CA 90304-1496

Re: NLRB v. Car Consultants, Inc.
MC 15-00212-AB-JPR (Cent. Dist. Cal. 2016)

Dear Mr. Emein:

On April 27, 2016, the United States District Court, Central District of California, issued an Order granting the NLRB's motion to find Car Consultants, Inc. in civil contempt of court for failing to comply with the Court's Order requiring obedience to the Board's March 24, 2015 subpoena *duces tecum*. Pursuant to that order, you are required to produce all subpoenaed documents to an agent of the Board (11500 West Olympic Blvd, Suite 600, Los Angeles, CA 90064) **within thirty days of the issuance of the Court's Order (the "compliance period")**. Under the Court's Order, after the compliance period has closed, Car Consultants, Inc. is subject to prospective fines of \$250 per day until it has substantially complied; Car Consultants, Inc.'s officers and agents who actively participate in the non-compliance will be subject to prospective fines of \$100 per day.

You are hereby notified that if the Board does not receive the subpoenaed documents by the end of the compliance period, we will have no choice but to assume that Car Consultants, Inc. is refusing to comply with the Court's Order, and we will file a motion requesting the Court to take additional measures to coerce compliance. These measures may include additional and escalating fines or mandatory incarceration.

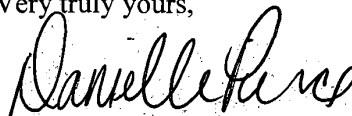
The Court's Order additionally requires Car Consultants, Inc. to pay the Board's costs and attorney's fees in litigating this matter. Those costs and fees are being calculated, and the Board will file a submission with the Court setting forth those amounts.

KB In & Out, Inc. dba Century Car Wash
Case 31-CA-076280

- 2 -

May 5, 2016

Very truly yours,



DANIELLE PIERCE
Compliance Officer

cc: Shadi Messian

[REDACTED]
Los Angeles, CA 90077

Sent via Regular and Certified Mail

Certified Mail No. 7003 3110 0003 5538 6685



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

Agent's Direct Dial: (310)235-7876

May 17, 2016

Sent via UPS Overnight Delivery

Kami Emein, or Owner or Manager
Car Consultants, Inc. dba Century Car Wash
4700 W Century Blvd
Inglewood, CA 90304-1496

Re: KB In & Out, Inc. dba Century Car Wash
Case 31-CA-076280

Dear Mr. Emein:

As you know, on April 27, 2016, the United States District Court, Central District of California, issued the enclosed Order granting the NLRB's motion to find Car Consultants, Inc. in civil contempt of court for failing to comply with the Court's Order requiring obedience to the Board's March 24, 2015 subpoena *duces tecum*. Pursuant to that order, you are required to produce all subpoenaed documents to an agent of the National Labor Relations Board (11500 West Olympic Blvd, Suite 600, Los Angeles, CA 90064) **within thirty days of the issuance of the Court's Order (the "compliance period")**. Under the Court's Order, after the compliance period has closed, Car Consultants, Inc. is subject to prospective fines of \$250 per day until it has substantially complied; Car Consultants, Inc.'s officers and agents who actively participate in the non-compliance will be subject to prospective fines of \$100 per day.

You are hereby notified that if the Board does not receive the subpoenaed documents by the end of the compliance period, we will have no choice but to assume that Car Consultants, Inc. is refusing to comply with the Court's Order, and we will move the Court to take additional measures to coerce compliance. These measures may include additional and escalating fines or mandatory incarceration.

The Court's Order additionally requires Car Consultants, Inc. to pay the Board's costs and attorney's fees in litigating this matter. On May 10, 2016, the Court issued the enclosed Order regarding the Board's Statement of Costs and Expenses, and ordered Car Consultants, Inc. to **remit directly to the Board \$6,308 within sixty days after the Order is entered**. The Order contains additional details about available payment arrangements. If Car Consultants, Inc. does not comply with the Order regarding the payment of costs and expenses, the Board may move the Court to impose additional sanctions.

KB In & Out, Inc. dba Century Car Wash - 2 -
Case 31-CA-076280

May 17, 2016

Please feel free to contact me about the production of the subpoenaed documents. I can be reached at (310) 235-7876 or danielle.pierce@nlrb.gov.

Very truly yours,

/s/ *Danielle Pierce*

DANIELLE PIERCE
Compliance Officer

Enclosures

cc: Shadi Messian
[REDACTED]
Los Angeles, CA 90077

Sent via UPS Overnight Delivery



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

Agent's Direct Dial: (310) 235-7876

June 9, 2016

Shadi Messian
Car Consultants, Inc. dba Century Car Wash
4700 W Century Blvd
Inglewood, CA 90304-1496

Re: KB In & Out, Inc. dba Century Car Wash
Case 31-CA-076280

Dear Ms. Messian:

As you know, on April 27, 2016, the United States District Court, Central District of California issued an Order granting the NLRB's motion to find Car Consultants, Inc. in civil contempt of court for failing to comply with the Court's Order requiring obedience to the Board's March 24, 2015 subpoena *duces tecum*. Pursuant to that order, Car Consultants, Inc. was required to produce all subpoenaed documents to an agent of the National Labor Relations Board (11500 West Olympic Blvd, Suite 600, Los Angeles, CA 90064) within thirty days of the issuance of the Court's Order (the "compliance period"). To date, the Board has received none of the subpoenaed documents.

In recent weeks, Susan Yumen contacted me and stated that she was calling on your behalf. She informed me that you had asked her to contact me to find out how to respond to the subpoena. I answered her questions, and asked to arrange a time when you could bring the documents to the Regional Office. I explained that we would arrange to have an interpreter present to assist you in answering our questions. Ms. Yumen assured me she would consult with you and get back to me with a date that you were available. However, she did not do so. When I contacted Ms. Yumen this week, she informed me that she is no longer authorized to speak with the Region on your behalf, and that you would have your attorney handle this matter.

You should know that we are required to file a status update with the Court this week, in which we will notify the Court that Car Consultants, Inc. has not complied with the contempt order. To avoid fines or other sanctions, it is imperative that your counsel contact me no later than **Monday, June 20, 2016**. Please have your attorney call me at (310) 235-7876 or reach me by email at danielle.pierce@nlrb.gov.

Very truly yours,


DANIELLE PIERCE
Compliance Officer

KB In & Out, Inc. dba Century Car Wash - 2 -
Case 31-CA-076280

June 9, 2016

cc: Kami Emein
Car Consultants, Inc. dba Century Car Wash
4700 W Century Blvd
Inglewood, CA 90304-1496

Shadi Messian
[REDACTED]
Los Angeles, CA 90077

Shadi Messian
[REDACTED]
Los Angeles, CA 90064